Civil Revision No. 227 of 2001
Old No. 985 of 1987

Hon. P.C. Pant, J.

None present for revisionist.

This revision is directed against the order dated 20.08.1987, passed in Misc. Case No. 14 of 1986 by learned IIIrd Additional Civil Judge, Dehradun.

It appears that an original suit No. 164 of 1984, was dismissed on 16.05.1986, as parties failed to adduce the evidence on said dated of final hearing.

The application for restoration of said suit was moved under Section 151 of Code of Civil Procedure, 1908, which appears to have been rejected by the trail court as the same was not maintainable. This Court is in agreement with the impugned order and there appears no illegality in the same. Plaintiff should have filed appeal against the decree, passed by the trial court instead of filing application under Section 151 of Code of Civil Procedure, 1908, for restoration of the suit.

Accordingly, the revision is dismissed. Stay order dated 09.12.1987, is hereby vacated. Registry is directed to inform the court concerned.

(P.C. Pant, J.)

Dt. 24.03.2006
Sweta